IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 5TH OCTOBER, 2007 / 13TH ASWINA, 1929

WP(C).No. 29650 of 2007(D)

PETITIONERS:
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1. A.G.GOPAKUMAR
NON VOCATIONAL TEACHER IN ENGLISH,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
IRINGOLE, ERNAKULAM DIST.

2. R.MOHANA KUMAR,
NON VOCATIONAL TEACHER IN ENGLISH,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
VITHURA, THIRUVANANTHAPURAM DIST.

3. MADHU U.P.
NON VOCATIONAL TEACHER IN ENGLISH,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
VATTENAD, PALAKKAD DIST.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. STATE OF KERALA,REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF
VOCATIONAL HIGHER SECONDARY EDUCATION
THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL
IRINGOLE, ERNAKULAM DIST.

4. THE PRINCIPAL,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
VITHURA,THIRUVANANTHAPURAM DIST.

5. THE PRINCIPAL,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
VATTENAD, PALAKKAD DIST.

R1 & R2 BY GOVT. PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON 05/10/2007 DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) No. 29650 of 2007 - D

Dated this the 5th day of October, 2007

J U D G M E N T

The petitioners are Non Vocational Higher Secondary School Teachers, who obtained appointment by transfer from the ministerial wing of the Vocational Higher Secondary Education Department. They got such promotion on the basis of Ext.P5 Government Order, in accordance with the qualification prescribed therein which the petitioners possess. Those appointments were in the years 1999, 2000 and 2002. Subsequent to the same, Special Rules for Non Vocational Higher Secondary School Teachers came into force on 12.3.2004 (Ext.P11), as per which State Eligibility Test (SET) qualification was compulsory for such teachers. The petitioners apprehend reversion on the basis of the Special Rules on the ground that the petitioners are not possessing the SET qualification. According to the petitioners, the SET qualification was not compulsory at the time of their appointment. Their appointment cannot be undone on the

basis of Special Rules, which came into force subsequently, is the contention. They also submit that in any event, similarly placed teachers in the Higher Secondary Schools both in the Government and aided sector as also in the Vocational Higher Secondary Schools in the aided sector have been exempted from possessing the SET qualification. The petitioners would contend that they are also entitled to be treated similarly, failure of which would amount to violation of their fundamental right.

2. I have heard the learned Government Pleader also.

3. I have disposed of several identical writ petitions directing the Government to take a decision on the claim of similarly placed petitioners for exemption from SET qualification prescribed by the Special Rules. I am satisfied that similar direction can be issued in this case also. Accordingly, treating this writ petition as a representation filed before the first respondent in that regard, I direct the first respondent to consider and pass

appropriate orders thereon as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioners. The petitioners shall not be reverted, till final orders are passed pursuant to this judgment.

This writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J.

O.P.NO. OF 2001

J U D G M E N T

DATED: -0-2007